

# Mason County Planning Advisory Commission

January 5, 2015

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## 1. Call to Order

Bill Dewey called the meeting to order at 6:02 P.M.

## 2. Roll Call

Present: Steve Van Denver, Kristy Buck, Rob Drexler, Vicki Wilson, Bill Dewey

Excused: Tim Duffy

Staff Present: Rebecca Hersha, Rick Mraz, Grace Miller

## 3. Regular Business

### a. Adoption of Agenda

Bill asked to discuss meeting dates and suggested that always be on the agenda.  
The next meeting dates will be January 26, 2015 and Tuesday, February 17, 2015.

### b. Approval of minutes

*September 15, 2014:* Steve Van Denver pointed out his name was misspelled.  
On page 8 Rob Drexler also found his name spelled incorrectly. No other  
corrections. Kristy Buck moved to approve. Rob Drexler seconded the motion, all  
in favor, motion passed.

*September 29, 2014:* Kristy made a motion to approve, Steve seconded the  
motion. All in favor, motion passed.

## 4. Shoreline Master Program Update- Workshop

### a. Shoreline Stabilization Policies and Regulations

**(Draft Comp Plan IX-4F) (2013 Draft SMP 17.50.065.6)**

**Supporting Documents/Staff Reports:**

**Cover Letter to PAC, Email, Shoreline Stabilization Staff Report #2-  
12/29/2014**

Rebecca began by sharing a comment letter received by Jim Reece regarding Mason Lake residents and the possibility of being grandfathered. At that time Bill Dewey addressed those in

attendance letting them know that this is a workshop and they were welcome to comment. John Egbert who lives on Mason Lake commented at this time saying he knows Jim Reece personally and they both are concerned about existing bulkheads and the wave action they receive. John said the bulkheads need to be maintained on a regular basis and asked for a streamlined process if permitting is required for repair. Rebecca asked if John had read the most recent staff report, and he said no. She said that report did address the repair and replacement of armor, which should take care of his concerns. Bob St.Clair who also spoke with Jim Reece voiced that his main concern was being denied building some sort of armor. Rebecca clarified saying they would need to show that the primary structure was in danger and would also need a geotechnical assessment. Vicki asked when someone becomes vested in the process. Rebecca said there is no vesting for the Shoreline Master Program. Grace Miller interjected saying if there is a complete application then they are vested to the rules when they apply. Rick Mraz agreed with Grace's information again stating that the application has to be complete.<sup>1</sup> Gary Hanson asked if there are any regulations regarding the height on existing bulkheads. Rebecca stated that would be considered an expansion of an existing bulkhead and would actually be treated as a new bulkhead.

### **Shoreline Stabilization Policies**

The PAC reviews the policies and another letter questioning the use of "feasible" within the policies. It is agreed to keep feasible within the policies.

Policies 1-6: No changes

7. Bill and Steve said they had a note to add the word "adjacent" to the beginning of the policy to read:

*Adjacent property owners should be encouraged to coordinate bio-engineered stabilization measures for an entire drift sector.*

8. e. It is decided that along with striking "normal protective, single family" should also be stricken. The new wording is as follows:

*The proposed action is a repair or maintenance of a ~~normal protective~~ bulkhead that is constructed at or near the ordinary high water mark ~~to protect a single family primary structure,~~ not for the purposes of creating land.*

Policies 9-11: No changes

12. Rebecca asked if anything more needs to be added to this policy. Grace suggested that perhaps adding "upon request" would be good so residents know they can get information regarding their property and also so it takes some weight off of the county. Vicki asked if that

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<sup>1</sup> It was confirmed at a subsequent meeting that Shoreline Permits are **not** vested unless the local jurisdiction's SMP specifically states that they are.

was the only change or if hazards should be removed as well. Bill said he had an issue with the wording only because he felt that it took all burden off of the county. He said that if the information is available, then it should be brought forward to the land owner because they may not know that they need to ask. Rebecca said that if the information is available, it will be presented and discussed at a pre application meeting. Kristy then suggested:

*Information ~~about shoreline erosion hazards~~ should be made available upon request (or upon permit application) to existing and prospective shoreline property owners so they are informed about the risks of living in areas that are prone to erosion, channel migration, landslides and other hazards.*

The PAC agreed with this verbiage.

13. Where feasible, removal of any failing, harmful, unnecessary, or ineffective structural shoreline armoring should be encouraged ~~to be removed~~, and shoreline ecological functions and processes should be encouraged to be ~~restored~~ improved using non-structural methods.

14. Rebecca and the Commission discussed the presentation by Futurewise regarding incentive options and it was discovered that after research, nobody was able to provide recommended language or examples from other jurisdictions. Therefore, policy 14 will continue to be general in nature:

*Non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged. Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, land acquisition and restoration, tax breaks, permit fee reductions, or other incentive programs.*

Bill suggested adding incentive information under Regulation 5, Replacement Bulkheads (Page 7 of the staff report dated 12/29/14). Bill said if soft armoring is proposed for replacement of hard armoring, the county should reduce fees by 50%. The PAC agreed this was a good idea. Rebecca suggested limiting this fee incentive to fees associated with the Department of Community Development.

### **Shoreline Stabilization Regulations**

The PAC recommended the following changes to Regulation #1:

1. New development ~~should~~ **shall** be located and designed to avoid the need...
  - a. When a Geotechnical Report or Geological Assessment is required for primary structures and appurtenances per the Landslide Hazard, Erosion Hazard, or Seismic Hazard Chapter of the Resource Ordinance, in addition to the requirements in 8.52.140, they shall consider sea level rise, if applicable and include the following:

- i. A site plan, drawn to scale and stamped/signed by the author of the report or assessment, that shows the Ordinary High Water Mark (OHWM), the crest of the bluff or shoreline bank (if applicable), the development envelope (including proposed or recent clearing and grading), and the proposed structures.
- ii. If applicable, the geotechnical report shall assert that proposed development or uses are set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure.

**Commented [RDH1]:** Added "if applicable" to account for those that will likely need stabilization in the future, but where the primary structures are set back as far as possible from the OHWM.

Bill asked why a geotechnical study would be necessary to just raise a bulkhead. Rebecca stated that it depends on the area. For example, if you have a bluff, certain species may nest there and doing any sort of construction can impact the habitat. Also, the accumulation of sediments may be reduced. Bill asked if there is a capstone on height. Currently, there is not and you are able to build as needed. A long discussion was had regarding if it was really necessary to have any surveys done if you were just adding something as small as 1 foot to the height, or if you were patching areas on the existing structure. After some discussion and public comment on added language, Vicki suggested that they have Staff draft some language that allows for the capping of bulkheads as maintenance and without a Shoreline Geotechnical Assessment in order to addresses sea level rise especially as septic systems are threatened by the overtopping of bulkheads..

(At 8:06 PM Steve Van Denver was excused by Bill due to a personal emergency.)

2.a.i. A couple of 'shoulds' in 2.a.i were found that ought to be changed to 'shalls.' It was also noted that 'sea level rise' should be added to the topics to be addressed in a Shoreline Geotechnical Assessment:

2. *New structural stabilization measures shall not be allowed except as follows:*

- a. ...
  - i. *New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, ~~should~~ shall not be allowed unless there is conclusive evidence, documented by a Shoreline Geotechnical Assessment that the structure is in danger from shoreline erosion caused by tidal action, currents, ~~or~~ waves, or sea level rise. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical assessment ~~should~~ shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.*

There was discussion about the definition and examples provided for primary structures in (2) (a) (iii). Rebecca referred to a comment letter received from Advocates for Responsible Development, and agree that it does not make sense to have 'primary' in the title of 'primary structures,' and then include all possible structures related to the residence. Kristy felt that 2. iii is too much of a definition and should be moved to the actual definitions until Rebecca pointed out that the term 'primary structures' is only used within this chapter.

Vicki suggested the following, and there was agreement amongst the PAC members:

- iii. *Primary structure means the structure associated with the principal use of the property. It may also include single family residential appurtenant structures (~~such as garages, attached decks, utilities, and septic tanks and drainfields~~) that cannot feasibly be relocated. ~~It does not include structures such as toolsheds, gazebos, greenhouses or other ancillary improvements that can feasibly be moved landward to prevent the erosion threat.~~*

## **8:19-8:27 BREAK**

The PAC recommended that “on the subject lot” be added to the end of 2.b.i.

To stay consistent, *geotechnical assessment* will be removed from both (2) (b) (iii) and (2) (c) (iii).

The PAC recommended that “or threaten public health” be added to 3.c.ii (a):

3. *When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions, proposals for new shoreline stabilization shall:*

...

- c. *Shoreline Geotechnical Assessments shall be submitted that address the following:*
  - ii. (a): *That there is a significant possibility that such primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the needs is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions, or threaten public health. Thus where ...*

The PAC recommended that “in line or” be added to (4) (d):

- 4. *The following pertains to all (new, replaced, or repaired) shoreline stabilization:*
  - d. *Stairways shall be located in line or landward of bulkheads except where proven infeasible.*

Vicki asked if the heading of regulation 5 should address the fact that this section pertains to replacement and repair. Rebecca said yes, and agreed to fix it. (Also, see the recommended language referred to earlier in the meeting regarding halving the permit fee for converting hard to soft stabilization.)

Rick stated he could bring new information a colleague has produced on separating out or defining soft, hard, and structural armoring. The Commission finished reading through the Shoreline Stabilization Staff Report #2- 12/29/2014. Bill and Rebecca agreed that they could continue with the remainder of the agenda at the next meeting:

**b. Title 15 (Revising draft Title 15 and moving SMP sections to SMP 17.50.080-150)**

**Supporting Documents/Staff Reports:**

- A. Draft Title 15-with Staff recommended revisions and comments- 12/29/2014**
- B. Draft SMP 17.50.080 thru 17.50.150- with Staff recommended revisions and comments – 12/29/2014**
- C. Draft SMP 17.50.080 thru 17.50.150- CLEAN version (Staff recommendations accepted) – 12/29/2014**

**5. New Business**

No new business.

**6. Adjournment**

Bill Dewey adjourned the meeting at 9:07 PM.